

### **REMARKS**

The Office Action mailed October 6, 2008, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

#### **Rejection(s) Under 35 U.S.C. §102**

Claims 1 - 11 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Weisbuch *et al.* (U.S. pat. no. 6,867,900).

Claim 1 from which claims 2-11 directly or indirectly depend, has been amended to state that light is sent back towards the collection means along the optical guiding plane. This feature is not disclosed in Weisbuch *et al.* Specifically, planar resonator 12 of FIG. 5 of Weisbuch *et al.* directs light out of the guiding plane, as seen by the arrows pointing upwards in that drawing figure. Such an arrangement is not as compact or efficient as that presently claimed.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. §102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.<sup>1</sup> The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. §102 rejection based on Weisbuch *et al.* is respectfully urged.

#### **Newly-Added Claims**

Claim 12 has been added to further particularly point out and distinctly claim the subject matter regarded as the invention.

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<sup>1</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

**Conclusion**


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,  
NIXON PEABODY LLP

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Khaled Shami  
Reg. No. 38,745

NIXON PEABODY LLP  
200 PAGE MILL ROAD 2<sup>ND</sup> FLOOR  
PALO ALTO, CA 94306-2022  
TEL. (650) 320-7700  
FAX. (650) 320-7701